

# **EXHIBIT 44**

**to**

**DECLARATION OF ABIGAIL  
WALD IN SUPPORT OF  
DEFENDANT CITY AND COUNTY  
OF SAN FRANCISCO'S SUR-REPLY  
OPPOSING PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION**

In the Matter of:  
JANE ROE, ET AL. vs CITY AND COUNTY OF SAN FRANCISCO

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SUSAN PHILLIP, M.D. MPH

October 28, 2025

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1           A.     I do understand the benefits that have  
2     been outlined by the California Department of Public  
3     Health, yes.

4           **Q.     Okay. The way this declaration is framed,**  
5     **this is not saying that these are your views, that**  
6     **there are benefits from handing out smoking**  
7     **supplies; but is that your view, that there are**  
8     **public health benefits in handing out the smoking**  
9     **supplies in the Tenderloin?**

10          A.     There are --

11                MS. WALD:   Objection to the form of the  
12     question.

13                THE WITNESS:   There are stronger data for  
14     the distribution of clean syringes and syringe  
15     access programs; but there are data, accepted data  
16     in the public health literature around individual  
17     health benefits from the use of distribution of  
18     safer smoking supplies as well, yes.

19     BY MR. DAVIS:

20           **Q.     And is that something that the**  
21     **San Francisco Department of Public Health**  
22     **recognizes, that there are public health benefits**  
23     **that result from the distribution of smoking**  
24     **supplies in the Tenderloin? Is that something that**  
25     **the department -- your department recognizes?**

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1 MS. WALD: Objection to the form of the  
2 question.

3 THE WITNESS: So as stated here, our  
4 department recognizes that there are benefits that  
5 have been outlined by DPH, and we incorporate that  
6 into thinking about what the overall policy should  
7 be for San Francisco.

8 BY MR. DAVIS:

9 Q. Okay. And so my question is: Is that  
10 a -- does your department, the San Francisco  
11 Department of Public Health, recognize and  
12 acknowledge that there is a health benefit to  
13 handing out smoking supplies in the Tenderloin?

14 MS. WALD: Objection to form.  
15 Argumentative.

16 THE WITNESS: What we recognize is that  
17 there can be -- there can be benefits to the health  
18 of people who use drugs if they have access to clean  
19 smoking supplies.

20 BY MR. DAVIS:

21 Q. And can you list for me what the possible  
22 benefits are of handing out smoking supplies in the  
23 Tenderloin? What are the public health benefits  
24 that you can think of?

25 A. Yes. Well, there can be injuries

1 associated with cracked or broken pipes or other  
2 equipment in using those. There can also be  
3 transmission of communicable diseases through  
4 sharing of those materials, including potentially  
5 hepatitis and viral infections.

6 Q. Okay. Anything else?

7 A. Those are the primary benefits that I am  
8 aware of.

9 Q. Okay. So one of the benefits is to  
10 prevent someone from getting, I assume -- cutting  
11 their lip or something on a cracked or broken  
12 fentanyl pipe?

13 A. Yes.

14 Q. And is the idea that if you give someone a  
15 pipe for free, that pipe is not likely to be damaged  
16 and, therefore, they're not going to cut their lip?

17 MS. WALD: Objection to the form of the  
18 question; incomplete hypothetical and misstates  
19 testimony.

20 THE WITNESS: Could you -- could you  
21 clarify?

22 BY MR. DAVIS:

23 Q. Yeah. I want to make sure I understand  
24 the possible public health benefit, and I'm  
25 following up on there could be an injury from a

1 A. I have not heard of that occurring in  
2 San Francisco.

3 Q. Okay. The other possible public health  
4 benefit that you mentioned was, I think, the  
5 prevention of -- or trying to stop the transmission  
6 of diseases such as hepatitis and other viral  
7 diseases.

8 Do I have that right?

9 A. Correct.

10 Q. Is there literature saying that that's a  
11 possibility that can happen with smoking pipes?

12 MS. WALD: Objection to the form of the  
13 question. Incomplete hypothetical.

14 THE WITNESS: My understanding is that --  
15 and my understanding in discussions are -- with  
16 other public health colleagues and my understanding  
17 of the public health literature is that, yes.

18 BY MR. DAVIS:

19 Q. Okay. And as the Population Health  
20 director for the city and the health officer, did it  
21 come to your attention that that's actually been  
22 happening? In other words, that diseases were being  
23 spread because people were sharing --I guess people  
24 are sharing pipes? Is that how the disease gets  
25 spread?

1 BY MR. DAVIS:

2 Q. And I'm -- I'm focused on any discussion  
3 or statements to the effect that there is a public  
4 health benefit to be recognized or achieved by  
5 handing out smoking supplies. And so we've talked  
6 about two. And I'm wondering if there are any  
7 others that come to mind.

8 A. Yes. The other benefit would be engaging  
9 a person who uses drugs via smoking in a  
10 conversation with a health worker or a member of a  
11 staff of a community-based organization so that they  
12 are told about opportunities for treatment and  
13 recovery in San Francisco.

14 Q. So would it be -- if I can summarize it,  
15 one benefit is if you coupled the distribution with  
16 a conversation about getting the user into treatment  
17 or recovery, that could be a benefit?

18 A. Correct. That could be a benefit.

19 Q. Any others come to mind?

20 A. Well, related to the conversation about  
21 treatment, it is also keeping a person engaged with  
22 public health entities to continue to assess  
23 readiness for core treatment and offer those.

24 Q. So keeping that addict engaged, if you  
25 will, so that perhaps in the future he or she will

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1 A. Yes, that is correct.

2 Q. And so if she gave testimony on the 21st,  
3 that would have been nine days before the new policy  
4 took effect; does that sound right to you?

5 A. That sounds right.

6 Q. And her testimony was that if a  
7 14-year-old came to GLIDE and was cancelled and  
8 wanted paraphernalia, that 14-year-old could get the  
9 paraphernalia.

10 Is that consistent with your understanding  
11 of the City's policy that a 14-year-old could go  
12 into an SSP provider in the Tenderloin and ask for  
13 drug paraphernalia, smoking supplies, and get it?

14 MS. WALD: Objection to form. Misstates  
15 testimony.

16 THE WITNESS: In the 20 years that I have  
17 been doing public health in San Francisco, I have  
18 never heard of an instance in that regard, so we  
19 have not created policies around that that would  
20 preclude that.

21 BY MR. DAVIS:

22 Q. And would that be consistent with the  
23 City's new policy for a 14-year-old to go into an  
24 SSP provider space and get free drug paraphernalia?

25 MS. WALD: Objection to form. Vague as to



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1 )  
STATE OF CALIFORNIA ) ss.  
2 )

3  
4 I, Tamara Houston, RPR, CCRR, CSR No. 7244, a  
5 Certified Shorthand Reporter in the State of  
6 California, duly empowered to administer oaths, do  
7 hereby certify:

8 That, prior to being examined, the witness  
9 named in the foregoing deposition was by me duly sworn  
10 to testify to the truth, the whole truth, and nothing  
11 but the truth;

12 That said deposition was taken down by me in  
13 shorthand at the time and place therein named, and  
14 thereafter reduced to typewriting by computer-aided  
15 transcription under my direction;

16 That the dismantling, unsealing, or unbinding of  
17 the original transcript will render the reporter's  
18 certification null and void.

19 I further certify that I am not interested in the  
20 event of the action.

21 In witness whereof, I have hereunto subscribed my  
22 name.

23 Dated: 30th of October, 2025.

24 

25 TAMARA L. HOUSTON  
CSR 7244, RPR, CCRR 140